

**REMARKS**

Claims 1-40 are pending in this application. Claims 1, 2, 13, 21, 32 and 40 are independent.

Claims 1-40 stand rejected under 35 USC §102(e), anticipated by Randle, et al. (U.S. Patent No. 6,594,647 B1). The rejection is respectfully traversed.

In support of the rejection of claims 1 and 40, the Examiner looks to column 7, lines 15-65, of Randle.

However, claim 1 requires the receipt of a request to execute a payment on behalf of a user associated with two or more user ID's (i.e., identifiers), with the request including one of the user ID's. Also required is that previous request executed on behalf of the user and including any one of the multiple user ID's, be processed to determine if the currently received request will be accepted for execution, and if so, directing a debit from a user account.

Claim 40 requires a processor which receives a request to execute a payment on behalf of a user having two or more user ID's. The request includes one of these user ID's. Also required is that the processor process stored information associated with previous payment request, each of which includes any one of the multiple user ID's, to determine if the current request will be accepted for execution, and if so, to direct a debit from a user account.

On the other hand, the relied upon text in column 7, discloses a real time debit system (see column 7, lines 32-34), in which the ECTS1 sends an inquiry to the customer's bank 2, that ask "are the funds available in customer's account?" and, if the answer is yes, the ECTS debits the account of the customer at the customer's bank 2.

Hence, the relied upon Randle disclosure lacks any teaching or suggestion

regarding the processing of previous requests including any of a user's multiple user ID's, which have been executed on behalf of the network user, to determine if the request will be accepted for execution. It is further respectfully submitted that Randle fails to disclose such processing anywhere within the applied reference. Rather, what Randle discloses is conventional processing to determine that sufficient funds to cover a requested payment are in a user's account and, if so, accepts the request for execution and debits the user's account. Randle fails to even recognize that a user may have multiple user ID's, let alone, suggest how one might reduce or ameliorate financial risk in view of a user having multiple user ID's.

Accordingly, it is respectfully submitted that claim 1 and claim 40 patentably distinguish over the applied prior art. It is therefore respectfully requested that the rejection of these claims be reconsidered and withdrawn.

In rejecting independent claims 2 and 21, the Examiner relies on Randle's disclosure in column 7, line 15, through column 8, line 20.

However, claim 2 requires that a request executed payment on behalf of a network user, which includes the user's user ID, be received. Also required is that all user ID's associated with the user, be identified and that previously executed payments associated with each of the identified user ID's be processed to determine if the received request will be accepted for execution. The determination is then transmitted via the network.

On the other hand, the reference disclosure in column 7, as discussed above, discloses a conventional "are the funds available in customer's account?" determination to determine if a request to execute a payment on behalf of a user will be accepted for execution or not. The additional relied upon disclosure in column 8, simply inserts the

step of the user being presented with an invoice for approval before proceeding with the execution of the instruction.

In view of the above, it is respectfully submitted that neither the relied upon disclosure in columns 7 or 8, nor any other disclosure within Randle, teaches or suggests the features and limitations recited in claims 2 and 21. As noted above, Randle has failed to even recognize that a user may have multiple user ID's, and hence lacks any disclosure on how to process payment request in view of user's with multiple user ID's.

Accordingly, it is respectfully submitted that claim 2 and its dependencies (i.e., claims 3-12) and claim 21 and its dependencies (i.e., claims 22-31) patentably distinguish over the applied prior art. It is therefore respectfully requested that the rejection of these claims be reconsidered and withdrawn.

In rejecting independent claims 13 and 32, the Examiner relies on Randle's disclosure in column 3, line 66, through column 4, line 3, column 7, lines 15-65, and column 8, lines 21-40, as teaching the recited features and limitations.

Claim 13 requires that a request to execute a payment to a payee on behalf of a user be received, and that a time period for crediting the payee subsequent to debiting a user account be determined. Also required is that debiting of the user's account be directed at a first time, which serves as the start of the determined time period, and directing a credit to the payee at a second time, which corresponds to the end of the determined time period.

Claim 32 requires a processor configured to receive a request to execute a payment on behalf of the user, and to determine a time period between debiting a user account and crediting a payee account. The processor is also required to direct

debiting from the user's account at a first time, which serves as the start of the determined time period, and to direct a credit to the payee at a second time, which coincides with the end of the determined time period.

On the other hand, the referenced text in column 7, describes a system which simultaneously debits the customer's bank account, and credits the merchant's bank account (see column 7, lines 62-65). The referenced text in column 8, does not contradict Randle's teachings in column 7. Indeed continuing on in column 8, lines 41-45, Randle reconfirms that the debiting of the customer's bank account and crediting of the merchant's bank account, are performed simultaneously. Furthermore, the referenced disclosure in columns 3 and 4 also does not contradict what Randle has explicitly described elsewhere. Rather, what is being disclosed in the referenced text in columns 3 and 4 is a periodic reconciliation and settlement of accounts of the financial service provider members, to reconcile the movements of money between the provider members in view of the prior debiting and crediting of the customer and merchant accounts. Here again, there is nothing within the relied upon Randle disclosure to suggest that the debiting of a payer's account and the crediting of the payee's account are somehow separated by a predetermined time period. Rather what is explicitly disclosed by Randle is that the debiting and crediting are done simultaneously.

Accordingly, it is respectfully submitted that claim 13 and its dependencies (i.e., claims 14-20) and claim 32 and its dependencies (i.e., claims 33-39) patentably distinguish over the applied prior art. It is therefore respectfully requested that the rejection of these claims be reconsidered and withdrawn.

Additionally, features recited in the dependent claims are believed to further distinguish over the applied prior art.

For example, claims 4-6 require, *inter alia*, a determination if the total monetary value of previously executed payments, executed in one or more time periods, exceeds one or more threshold values.

While the Examiner relies on Randle's disclosure in column 8, lines 21-51 as teaching the required determination, the referenced text lacks any disclosure, either explicit or implicit, of such a determination.

Claims 7-8 require, *inter alia*, determining a total number of previously executed payments, executed in one or more time periods, and whether the determined total number exceeds one or more values.

The Examiner relies on Randle's disclosure in column 7, lines 55-65, and column 8, lines 21-40, as teaching such determinations.

However, the referenced text in columns 7 and 8 lacks any disclosure whatsoever regarding the determination of a total number of previously executed payments, or determining if such a number exceeds a value. Rather, what Randle discloses in the relied upon text, is that a determination is made as to whether or not a customer's bank account has sufficient funds, and if so, execution of the payment proceeds.

Claims 10-12 require, *inter alia*, directing a debit from a user account at a first time, and a credit to a payee at a second time, subsequent to the first time, such that the time period between the first and second times is a determined time period.

The Examiner relies on Randle's teachings in column 3, line 66, through column 4, line 3, as anticipating the recited limitations.

However, as discussed above, the referenced text relates to the settlement of accounts of provider members after debiting and crediting has been performed, and

lacks any disclosure of a time period between the debiting of a user's account and crediting of a payee. Indeed, from the standpoint of a user or payee, the settlement between the provider members is irrelevant since this simply relates to a reconciliation amongst provider members, in view of the total debits and credits that have already been made over a period of time.

In rejecting claim 14, it is asserted that Randle's disclosure in column 8, lines 21-40, teaches determining a time period for crediting a payee subsequent to debiting a user account, based on one or more of 1) the identity of the user, 2) the amount of the payment, 3) an association maintained by the user, and 4) payments previously executed on behalf of the user.

However, as disclosed in column 8, lines 41-45, "the ECTS1 debits the customer's account at the customer's bank to, step 57a, and credits the merchant's account at the merchant's bank 4, step 57b". Hence, if the queries in the relied upon text are answered yes, the ECTS simultaneously debits the customer's bank account and credits the merchant's bank account. Therefore there is no disclosed period between the debiting and crediting, let alone a period based on any of the recited factors in claim 14.

Claims 15-20, each require, inter alia, identifying all user identifiers associated with the user requesting execution of a payment, and processing previously executed payments associated with each identified user ID to determine the period between the debiting of the user's account and the crediting of the payee's account.

In rejecting these claims, the Examiner points to Randle's disclosure in column 7, lines 15-65, and column 8, lines 21-40, as teaching the recited features and limitations.

However, as has been discussed above, the relied upon disclosure lacks any

teaching, or for that matter suggestion, that Randle has even recognized that a user may have multiple user ID's, let alone how one might go about dealing with a user having multiple user ID's in the context of electronic payments.

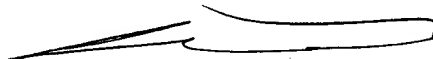
Features recited in other dependent claims are believed to also patentably distinguish over the applied prior art, on grounds which should be clear from the above.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1158.41331X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Alfred A. Stadnicki  
Registration No. 30,226

1300 North Seventeenth Street  
Suite 1800  
Arlington, VA 22209  
Tel.: 703-312-6600  
Fax.: 703-312-6666

AAS/slk